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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/48/647)]

48/41. Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

A

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the principles of international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ as well as international standards of human rights, in particular the Universal Declaration of Human Rights 2/ and the International Covenants on Human Rights, 3/

1/ United Nations, Treaty Series, vol. 75, No. 973.

2/ Resolution 217 A (III).

3/ Resolution 2200 A (XXI), annex.

Recalling its relevant resolutions, including resolution 2443 (XXIII) of 19 December 1968, and relevant resolutions of the Commission on Human Rights,

Recalling also relevant resolutions of the Security Council,

Aware of the uprising (intifadah) of the Palestinian people,

Convinced that occupation itself represents a primary violation of human rights,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories 4/ and the relevant reports of the Secretary-General, 5/

Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes, and its Agreed Minutes, by the Government of the State of Israel and the Palestine Liberation Organization at Washington, D.C., on 13 September 1993, 6/

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. Demands that Israel cooperate with the Special Committee in implementing its mandate;

3. Deplores the policies and practices of Israel violating the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the reports of the Special Committee covering the reporting period; 4/

4. Expresses the hope that, in the light of the recent positive political developments, those policies and practices will be brought to an end immediately;

5. Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

4/ A/48/96, A/48/278 and A/48/557.

5/ A/48/537 to A/48/543.

6/ A/48/486-S/26560, annex.

6. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory;

7. Further requests the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

8. Requests the Secretary-General:

(a) To provide all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its forty-ninth session on the tasks entrusted to him in the present resolution;

9. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

75th plenary meeting
10 December 1993

B

The General Assembly,

Bearing in mind the relevant resolutions of the Security Council,

Recalling its relevant resolutions,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories 4/ and the relevant reports of the Secretary-General, 5/

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Stressing that Israel, the occupying Power, should strictly comply with its obligations under international law,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ is applicable to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

2. Demands that Israel accept the de jure applicability of the Convention in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. Calls upon all States parties to the Convention, in accordance with article 1 common to the four Geneva Conventions, 7/ to exert all efforts in order to ensure respect for its provisions by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

4. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution.

75th plenary meeting
10 December 1993

C

The General Assembly,

Bearing in mind the relevant resolutions of the Security Council,

Recalling its relevant resolutions and the resolutions of the Commission on Human Rights,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Gravely concerned about the violations of the human rights of the Palestinian people, as described in the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, 4/ especially in the fields of collective punishment, closure of areas, annexation, establishment of settlements and mass deportation,

Gravely concerned also about the situation in the occupied Palestinian territory, including Jerusalem, and the other Arab territories occupied by Israel since 1967, resulting from the measures and actions taken by Israel, the occupying Power, designed to change the legal status, geographical nature and demographic composition of those territories,

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7/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

Concerned about the dangerous situation resulting from actions taken by the illegal, armed settlers in the occupied territory,

Convinced of the positive impact of an international presence in the occupied Palestinian territory to ensure compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/

Reaffirming the applicability of the Convention to the occupied Palestinian territory, including Jerusalem, and the other Arab territories occupied by Israel since 1967,

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes, and its Agreed Minutes, by the Government of the State of Israel and the Palestine Liberation Organization, at Washington, D.C., on 13 September 1993, 6/

1. Determines that all measures and actions taken by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ and contrary to the relevant resolutions of the Security Council, are illegal and have no validity, and demands that Israel desist forthwith from taking any such measures or actions;

2. Demands that Israel, the occupying Power, facilitate the return of all Palestinians deported from the occupied Palestinian territory since 1967;

3. Calls upon Israel, the occupying Power, to accelerate the release of all Palestinians arbitrarily detained or imprisoned;

4. Calls for complete respect by the occupying Power of all fundamental freedoms of the Palestinian people, such as the freedom of education, including the free operation of schools, universities and other educational institutions;

5. Reaffirms that the Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the other Arab territories occupied by Israel since 1967 are illegal and an obstacle to peace;

6. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution.

75th plenary meeting
10 December 1993

D

The General Assembly,

Deeply concerned that the Arab territories occupied since 1967 have been under continued Israeli military occupation,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983, 39/95 F of 14 December 1984, 40/161 F of 16 December 1985, 41/63 F of 3 December 1986, 42/160 F of 8 December 1987, 43/21 of 3 November 1988, 43/58 F of 6 December 1988, 44/2 of 6 October 1989, 44/48 F of 8 December 1989, 45/74 F of 11 December 1990, 46/47 F of 9 December 1991 and 47/70 F of 14 December 1992,

Having considered the report of the Secretary-General of 29 October 1993, 8/

Recalling its previous resolutions, in particular resolutions 3414 (XXX) of 5 December 1975, 31/61 of 9 December 1976, 32/20 of 25 November 1977, 33/28 and 33/29 of 7 December 1978, 34/70 of 6 December 1979 and 35/122 E of 11 December 1980, in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the Charter of the United Nations,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/

Reaffirming the applicability of the Convention to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

1. Condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions on the occupied Syrian Golan, and in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Also condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular the establishment of settlements;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ and have no legal effect;

8/ A/48/542.

4. Denounces attempts by Israel forcibly to impose Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and calls upon it to desist from its repressive measures against the population of the occupied Syrian Golan;

5. Deplores the violations by Israel of the Convention;

6. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution.

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